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15
16 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA

17 CHRISTINE WHALEN, *et al.*,

18
19 Plaintiffs,

20 v.

21 THE KROGER CO., ALBERTSONS
COMPANIES, INC., AND CERBERUS
22 CAPITAL MANAGEMENT, L.P.,

23 Defendants.

CASE NO. 3:23-CV-459-VC

**ALBERTSONS COMPANIES, INC.'S
NOTICE OF JOINDER IN THE KROGER
CO.'S MOTION TO DISMISS**

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE THAT Defendant Albertsons Companies, Inc. ("Albertsons")
3 hereby joins in The Kroger Co.'s ("Kroger") Motion to Dismiss as to Count I, Plaintiffs' Clayton
4 Act Section 7 claim regarding the proposed merger between Kroger and Albertsons, filed April 12,
5 2023 (Dkt. No. 40), set for hearing before the Court on May 18, 2023 at 10:00 a.m. in the
6 courtroom of the Honorable Vince Chhabria, located at 450 Golden Gate Avenue, San Francisco,
7 CA 94102, 17th Floor, Courtroom 4.
8

9
10 Dated: April 12, 2023

By: /s/Edward D. Hassi
Edward D. Hassi (*pro hac vice*)

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CERTIFICATE OF SERVICE

The undersigned certifies that on April 12, 2023, the foregoing document was filed with the Clerk of the U.S. District Court for the Northern District of California, using the court's electronic filing system (ECF), in compliance with Civil L.R. 5-1. The ECF system serves a "Notice of Electronic Filing" to all parties and counsel who have appeared in this action, who have consented under Civil L.R. 5-1 to accept that Notice as service of this document.

Dated: April 12, 2023

/s/ Edward D. Hassi
Edward D. Hassi (*pro hac vice*)